



*Florida Department of Transportation*

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**LAP BULLETIN: 03-14**

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To: District LAP Personnel in the offices of LAP Administration and District Procurement Offices

From: Lorraine Moyle, State Local Program Administrator 

Copies: Brian Blanchard, Carla Perry, Trey Tillander, Chad Thompson (FHWA)

Subject: Local Agency Program Conflict of Interest Procedure

The purpose of this bulletin is to release a new section to **Chapter 18** of the LAP Manual for immediate use. The new section will be incorporated in the LAP Manual in its entirety. The new section number will be determined upon review and update of **Chapter 18**.

**18.X CONFLICT OF INTEREST**

Conflict of Interest is addressed in **23 CFR 1.33** and in **Section 287.057 Florida Statutes**. A Local Agency must adhere to the Florida Department of Transportation's Topic No. 375-030-006 [Restriction of Consultants' Eligibility to Compete for Department Contracts](#) for projects:

- on the State Highway System (SHS),
- on the National Highway System (NHS), and
- on Federal-Aid eligible local roadways when construction and a related professional services phase are funded by the department.

The Office of Construction maintains [Conflicts of Interests- Frequently Asked Questions](#) to assist with further clarification where conflict may arise in the life cycle of a transportation project.

For each type of project listed above, local agencies must collect Conflict of Interest Certification Form No. 375-030-50 from each consultant who submits a proposal on a solicitation for professional services. Each Local Agency staff member who participates in the selection process for department funded professional services contracts must also submit Form No. 375-030-50. The Forms should be uploaded into LAPIT with the final professional services contract package. District LAP staff will confirm the forms are in LAPIT with the executed contract package as part of their concurrence to award review process.

Allowing the Engineer of Record (EOR) to perform Construction, Engineering and Inspection (CEI) services on the same project is in violation of state conflict of interest procedure (Topic No. 375-030-006). Accordingly, local agencies are restricted from allowing the EOR and the CEI to be the same firm for an on-system LAP project and when the local agency is receiving funding from the department for design, CEI or both phases on a Federal-Aid eligible local (off-system) roadway.

For construction projects that are off the State and National Highway Systems and also do not have a related professional services phase funded by the department, the Local Agency may utilize guidance published by the Federal Highway Administration (FHWA) to govern conflict of interest on LAP projects.

Since Federal regulations do not expressly prohibit use of the same firm for EOR and CEI services, a local agency may allow such for off-system LAP projects where both the design and CEI project phases are locally funded.

The local agency must ensure that there are compensating controls in the form of policies, procedures, practices, and other safeguards to guarantee a conflict of interest does not occur in the procurement, management, and administration of consultant services. The Federal-Aid Program Administration website provides questions and answers and examples of controls at:

[http://www.fhwa.dot.gov/programadmin/172qa\\_08.cfm#q06](http://www.fhwa.dot.gov/programadmin/172qa_08.cfm#q06)

If you have any questions regarding the contents of this Bulletin, please contact Lorraine Moyle at (850) 414-4383 or [Lorraine.hunter@dot.state.fl.us](mailto:Lorraine.hunter@dot.state.fl.us).